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Attorneys for Respondents

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

OMAR AYALA,

Petitioner,

vs.

BRIAN E. WILLIAMS, SR., *et al.*,

Respondents.

Case No. 2:17-cv-02093-RFB-VCF

**UNOPPOSED MOTION FOR AN
EXTENSION OF TIME TO FILE THE
REPLY TO THE OPPOSITION TO THE
MOTION TO DISMISS FOURTH
AMENDED PETITION FOR WRIT OF
HABEAS CORPUS
(ECF NO. 46)**

Respondents, through legal counsel, Aaron D. Ford, Attorney General of The State of Nevada, and Michael J. Bongard, Senior Deputy Attorney General, hereby move this court for a thirty (30) day enlargement of time, up to and including February 9, 2022, in which to submit the reply to Petitioner Omar Ayala's Opposition to Motion to Dismiss Fourth Amended Petition for Writ of Habeas Corpus by a Person in State Custody Pursuant to 28 U.S.C. §2254. (ECF No. 23). The response is currently due January 10, 2022. Respondents base this motion on the declaration of Counsel.

This is Respondents' first request for an extension of time in which to file the reply and made in good faith and not for purposes of delay.

DATED this 6th day of January, 2022.

AARON D. FORD
Attorney General

By: /s/ Michael J. Bongard
Michael J. Bongard (Bar No. 007997)
Senior Deputy Attorney General

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**DECLARATION OF
MICHAEL J. BONGARD**

1. I am a Deputy Attorney General employed by the Attorney General's Office of the State of Nevada in the Post-Conviction Division, and I make this declaration on behalf of Respondents' Unopposed Motion for Enlargement of Time to file the reply to the opposition to motion to dismiss (First Request) in the above-captioned case. By this motion, I am requesting a thirty (30) day enlargement of time, up to and including, February 9, 2022, to file and serve the reply. The reply is currently due January 10, 2022.

2. Counsel just finished the draft of the Answering Brief in *Leal v. State*, Nevada Supreme Court Case Number 83451. Counsel was also in Elko, Nevada on January 3, 2022, for the preliminary hearing in *Himmelman v. State*, Elko Justice Court Case Number CR-F-21-6863.

3. Counsel will be out of the office from January 7, 2022, through January 13, 2022, to travel to Wisconsin to assist a family member who will be undergoing a medical procedure.

4. On January 5, 2022, Counsel e-mailed opposing counsel, Kimberly Sandberg from the Federal Public Defender Office, to determine whether she would oppose this request for enlargement of time. Ms. Sandberg replied via e-mail stating that she does not oppose this motion.

1 For these reasons, Counsel respectfully asks this Court to grant the request for an extension of
2 time of thirty (30) days to file the response to the petition.

3 DATED this 6th day of January, 2022.

4 By: /s/ Michael J. Bongard
5 Michael J. Bongard (Bar No. 007997)
6 Senior Deputy Attorney General

7 IT IS SO ORDERED:

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10 RICHARD F. BOULWARE, II
11 United States District Judge

12 DATED this 7th day of January, 2022.
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system on the 6th day of January, 2022.

The following participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

Kimberly Sandberg
Assistant Federal Public Defender
411 E. Bonneville, Suite 250
Las Vegas, NV 89101

/s/ Lisa M. Clark
An Employee of the Office of the Attorney General